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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,356	12/01/2003	Michael M. Song	PLR-05-462.02P f/k/a 4959	1292
27268	7590	07/14/2006	EXAMINER	
BAKER & DANIELS LLP 300 NORTH MERIDIAN STREET SUITE 2700 INDIANAPOLIS, IN 46204			BOEHLER, ANNE MARIE M	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/725,356	SONG ET AL.	
	Examiner	Art Unit	
	Anne Marie M. Boehler	3611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over JA 3-213,483 in view of Borromeo (USPN 4,794,815).

JA'483 shows a motorcycle with a frame having a head tube 2, a steering fork 13, and lower and upper triple clamps 15, 14, fastened to the head tube. Handlebar clamps include riser tubes 17, 19, 22 each having a lower surface operatively coupled to the upper triple clamp 14 and an upper surface (top of 19) coupled to a riser cap 20. Fasteners 21 couple the riser tubes and riser caps. A handlebar 18 is held in first and second recesses formed in the risers and caps. Each fastener 21 is a threaded bolt that extends through the cap into a boss in the corresponding rider tube.

JA -684 shows the fasteners to be accessible from the top rather than the bottom of the handlebar clamp.

Borromeo shows a handlebar clamp including a fastener (threaded bolt 20) that extends through an aperture in a lower clamp element 9 into a threaded boss in an upper clamp element 8 to hold a handlebar M there between. The fasteners are only accessible and visible from below and the lower end of the bolt fastener is recessed into the lower clamp element and its visible outer end is aligned with the lowermost portion of the lower clamp element.

Regarding the method of claims 14 and 15, it would have been obvious to replace a top access handlebar clamp, as taught by JA-684 with a second, bottom access clamp, in view of Nagashima, in order to provide a smoother, more attractive appearing handlebar clamping assembly. It would also have been obvious to secure

the riser tube to the motorcycle before the securing the riser cap to the riser tube, in order to replace the handlebar once the riser tube is in place.

2. Claims 1-13 and 18-21 are allowed.
3. Applicant's arguments filed May 1, 2006 have been fully considered but they are not persuasive.

Applicant argues that the combination of JA 3-213,483 and Borrromeo lacks a riser cap with an upper surface free of apertures and a lower surface having a pair of apertures, for a pair of fasteners . The JA -684 reference shows riser cap with a pair of fasteners that are longitudinally aligned and aligned with the centerline of the riser tube. It shows the fasteners connected through the top end of the riser cap, therefore, it does not show the top riser cap free of apertures. As discussed previously, Borrromeo shows a handlebar support including a top portion free of apertures and a fastener connected from below. The examiner maintains that it would have been obvious to one of ordinary skill in the art to provide the JA 3-213,483 handlebar support with fasteners that are inserted from lower, as taught by Borrromeo, in order to improve the appearance of the handlebar assembly. Therefore, the combination of JA 3-213,483 and Borrromeo is believed to meet the claimed invention.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M Boehler whose telephone number is 703-308-0422. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anne Marie M Boehler  
Primary Examiner  
Art Unit 3611